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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,393	02/13/2004	Harumi Ooshima	10445/13	9011

7590 02/14/2006  
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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,393	<b>Applicant(s)</b> OOSHIMA ET AL.	
	<b>Examiner</b> Melody M. Burch	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/30/05 has been entered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements 6C, 6D, 4C, 4D of pg. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3683

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-2002-327780 (JP' 780).

Re: claims 14 and 15. JP '780 shows in figure 2 a disc brake for a vehicle comprising: a pair of brake pads 22 best shown in figure 1 configured to press a disc rotor D between them, a supporting member 11 that supports the pair of brake pads for movement in an axial direction of the disc rotor, a return spring 35 that has a base end attached to one of the brake pads shown in the area of element 31 and a distal end shown in the area of the lead lines of numbers 28 and 35 in figure 2 and in the area of the lead line of number 36 in figure 1 configured to press the supporting member so as

Art Unit: 3683

to urge by reaction the one of the brake pads away from the disc rotor, and at least one wall 37 that elevates adjacent to the distal end of the return spring to limit at least one of clockwise and counter clockwise movements of the distal end around the base end relative to the supporting member via the frictional contact of the distal end of the return spring with the stop, as broadly recited.

Re: claims 16, 18, 20, 22, and 26. JP'780 includes an alternative embodiment in which the wall is integral with the supporting member as pointed out by Applicant on pg. 9 of the remarks filed 9/30/05.

Re: claim 17. JP'780 shows in figure 2 a guiding member or portion of the backing plate connected to brake pad 22 provided diagonally between the right end of the one of the brake pads and the supporting member.

Re: claims 19, 23, and 27. JP'780 shows in figures 1 and 2 a guiding member or backing plate of element 22 the right end of which provided diagonally between the one of the brake pads and the supporting member, wherein the guiding member comprises a contact portion which is in contact with the distal end of the return spring as shown in the area of the lead line of number 31 and pressed thereby.

Re: claims 21 and 25. JP'780 shows in figures 1 and 2 wherein the at least one wall comprises two walls the left and right walls of the support member as best shown in the enlarged figure of the integral supporting member embodiment shown on pg. 9 of the remarks filed 9/30/05 that elevate adjacent to both edges (bottom edges) of the return spring so as to limit both the clockwise and counter clockwise movements of the distal end around the base end.

Re: claim 24. Examiner notes that integral is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973). Since the two walls and the guiding member are united via the connection or fastening of intervening elements, they are integral, as broadly recited.

Re: claim 28. JP '780 shows in figures 1 and 2 a disc brake further comprising another return spring or other element 35 that has a base end attached to the other one of the brake pads as shown and a distal end configured to press the supporting member so as to urge by reaction the other one of the brake pads away from the disc rotor.

### ***Response to Arguments***

5. Applicant's arguments filed 9/30/05 have been fully considered but they are not persuasive. Applicant argues that the arrangement in JP'780 does not suggest at least one wall that elevates from the supporting member adjacent to the return spring to limit clockwise or counter clockwise movement of the distal end around the base end relative to the supporting member. Examiner maintains that in either of the embodiments there is shown at least one wall in the area of element 37 that elevates from the supporting member 11 or 11a that, by virtue of the frictional contact with the abutting end of return spring 35, limits any movement including clockwise and counterclockwise movement of the return spring relative to the at least one wall and any other surrounding component. Accordingly, the rejections have been maintained.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmb  
February 7, 2006

*Melody M. Burch*  
**Melody M. Burch**  
**Primary Examiner**  
**Art Unit 3683**  
2/8/06